



Linda S. Adams  
Secretary for  
Environmental Protection

**California Regional Water Quality Control Board  
North Coast Region  
Bob Anderson, Chairman**

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Arnold  
Schwarzenegger  
Governor

September 30, 2009

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In the Matter of  
Water Quality Certification  
for the  
Austin Creek Streambank Restoration Project  
WDID No. 1B08052WNSO

APPLICANT: Jim Vattuone  
RECEIVING WATER: Austin Creek  
HYDROLOGIC UNIT: Austin Creek Hydrologic Subarea No. 114.12, Russian  
River Hydrologic Unit No. 114.00  
COUNTY: Sonoma  
FILE NAME: Austin Creek Streambank Restoration

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BY THE EXECUTIVE OFFICER:

1. On March 26, 2008, Mr. Matthew Damos of North Coast Engineering, on behalf of Jim Vattuone (Applicant) filed an application for water quality certification (certification) under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities related to the Austin Creek Restoration Project (Project). The Project causes permanent impacts to 0.055 acres of stream bank within the Austin Creek Hydrologic Subarea No. 114.12, Russian River Hydrologic Area No. 114.00. The base fee of \$500 was received on March 26, 2008 and the remaining fee amount of \$1,225 was received on September 25, 2009. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on July 18, 2008, and posted information describing the project on the Regional Water Board's website. Staff did not receive any public comments on this project.
2. The Project is located on Austin Creek in Cazadero, Sonoma County, California, (APNs. No.106-090-009, -010). The latitude and longitude is 38.53337° N and 123.08605° W. The project will stabilize an eroding stream bank, replace a concrete retaining wall with other structures utilizing bioengineering techniques, restore natural vegetation, eliminate sediment deposition into Austin Creek and the Russian River, and protect the landowner's four single family homes.

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3. The project site consists of approximately 250 linear feet of the west bank of Austin Creek and four existing single family homes along the top of the bank. An existing concrete floodwall along the edge of the property on the west streambank has been undermined by peak flows. The Applicant seeks to prevent further erosion of the streambank by removing the failed floodwall and revetment debris and replacing it with a rip-rap buttress wall along the length of the property. Construction of the bank stabilization project will require operating heavy equipment in the active channel, because of the limited room between the buildings and the stream bank. A four-foot deep, four-foot wide keyway will be excavated at the toe of the bank and approximately 332 cubic yards of clean washed 36-inch minimum diameter rock from a local quarry will be installed at a 1:1 maximum slope to the top of the stream bank. The rock will be placed using an excavator equipped with a "thumb" to carefully stack the rocks beginning at the bottom of the bank and continuing up until the bank is covered. The buttress wall will average four to five feet in height and will be designed with undulations to provide a more natural streambank. Two large alders (approximately 2 feet in diameter), recently felled from the property above the wall, will be incorporated into the rock placement to create instream cover and to direct flows away from the base of the buttress wall. Four root wads of felled trees will also be incorporated into rock groins along the buttress wall. Native soil will be filled in the interstices of the rock as practicable, to encourage revegetation. Access to the project will be achieved through an existing access on an adjacent property, on the west side of the stream.
4. If dewatering of the work area is necessary, cofferdams will be constructed at the north and south ends of the project area. The cofferdams will be constructed out of sandbags or clean gravel covered with a geo-textile filter fabric. A bypass channel will carry the gravity-fed water around the east side of the project site. To avoid potential harm to aquatic species, a properly licensed biologist will be retained to search the area for freshwater shrimp or other special-status species prior to the start of construction. The biologist will then salvage and relocate any animals that are in harm's way. The relocation activities will be performed after the installation of the gravel filter dams, and before commencement of the installation of the rip-rap. A qualified biologist has been contacted to perform the search and salvage operation. After completion of the buttress wall, the bypass channel will be backfilled, the cofferdams removed, and the active channel will be reestablished. Applicant shall follow requirements within both Biological Opinions from the U.S. Fish and Wildlife Service, and National Marine Fisheries Service.
5. Compensatory mitigation consists of restoration and revegetation of the native riparian habitat. The bank stabilization and planting will reduce sediment delivery to the creek, provide creek shading, and reduce threats to life and property. The rip-rap, groins, and large woody debris installations will deflect the energy of the flowing water at the toe of the bank, while the establishment of willows, also at the toe, will help to capture sediment, stabilize the bank and placed rip-rap, and

recreate a riparian zone. Willow and/or cottonwood sprigs will be installed from the toe of the rip-rap buttress to approximately three feet up the bank. From three to four feet, alders and/or cottonwood saplings in 15 gallon containers will be planted within three foot diameter planting holes created during construction of the buttress wall. Along the top of the buttress wall, maple and/or California Laurel in minimum five-gallon containers will be planted. All exposed soil will be mulched and seeded with native grasses. An automatic irrigation system will be installed and maintained for a minimum of three years. All plantings shall be irrigated (as necessary) and managed for a minimum of five (5) consecutive years immediately following planting. Planted vegetation shall have at least an 85% survival rate of thriving planted species at the end of five years. Annual reports shall be submitted to the Regional Water Board for five (5) years (or longer until survival rate of 85% is achieved), and shall include photos of the revegetated areas, and include survival rates and a narrative summary of the status of the revegetation effort.

6. Non-compensatory mitigation measures include the use of Best Management Practices (BMPs) to be employed during construction to minimize sediment production and prevent the movement of loose soil off-site. All erosion control measures will be installed and in place by October 15, or during non-construction periods as necessary, and maintained thereafter by the contractor/applicant. All disturbed soil will be revegetated with native species or seeded with native grasses. If vegetation cannot be reestablished before expected rainfall, mulching, erosion control fabric, or other sediment control measures will be implemented to prevent delivery of sediment to Austin Creek. All equipment will be maintained in good working order and spill kits will be on hand during construction. Any equipment to be used within the stream shall be steam cleaned of any grease or other contaminants, and inspected twice daily to assure no contamination is being delivered to the stream. Equipment shall not be staged, or fueled, within the stream. Additionally, all required BMPs shall be on-site and ready for timely deployment before the start of construction activities.
7. The Applicant has applied for a United States Army Corps of Engineers Clean Water Act Section 404 Nationwide Permit Number 13 for Bank Stabilization (File No. 2008-00134N).
8. The Applicant has obtained a Lake or Streambed Alteration Agreement (File No. 1600-2008-0119-3) from the California Department of Fish & Game, issued on July 8, 2009.
9. The County of Sonoma, as lead California Environmental Quality Act (CEQA) agency, has determined this project to be Statutorily Exempt, under exemption 15269(c) Emergency Projects, pursuant to CEQA guidelines. Public notification of the project was posted at three locations near the site and mailed to approximately 30 property owners prior to April 3, 2009.

Receiving Water: Streambank within the Austin Creek Hydrologic Subarea No 114.12, Russian River Hydrologic Unit No. 114.00

Filled or Excavated Area: Area Permanently impacted: 0.055 acres of stream bank

Total Linear Impacts: 250 linear feet of permanent impact

Latitude/Longitude: 38.53337°N and 123.08605°W.

Expiration: September 30, 2014

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Austin Creek Restoration Project (WDID No.1B08052WNSO), as described in the application, will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that the Applicant complies with the following terms and conditions:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 2200, and owed by the Applicant.
4. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Order (Enclosed).
5. The Russian River is identified as impaired on the Clean Water Act Section 303(d) list. The Russian River is listed as impaired for sediment and temperature. At present, total maximum daily loads (TMDLs) have not been established for this water body. If TMDLs are established and implementation plans are adopted for this watershed prior to the expiration date of this Order, the Regional Water Board

may revise the provisions of this Order to address actions identified in such action plans.

6. The Regional Water Board shall be notified prior to the commencement of ground disturbing activities, with details regarding the construction schedule, in order to allow staff to be present onsite during construction, and to answer any public inquiries that may arise regarding the project.
7. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State. When operations are completed, any excess material or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream.
8. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground- clearing activities or any other project activities that could result in erosion or sediment discharges to surface water.
9. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
10. A copy of this Order and the application documents submitted by the Applicant for this certification shall be provided to all contractors and subcontractors conducting the work, and shall be in their possession at the work site.
11. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.
12. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
13. Prior to implementing any change to the project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer.
14. All project work shall be conducted as described in this Order and in the application submitted by the Applicant. If the Regional Water Board is not notified of a significant alteration to the project, it will be considered a violation of this

Order, and the Applicant may be subject to Regional Water Board enforcement actions.

15. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted and approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.
16. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
17. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable State or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. In response to a suspected violation of any condition of this certification, the Regional Water Board may require the holder of any federal permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this certification, the Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.
18. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, and the address and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the project as described in this Order.

19. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited to and all proposed mitigation being completed in strict compliance with the Applicant's project description, and b)

compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan).

20. The authorization of this certification for any dredge and fill activities expires on September 30, 2014. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

If you have any questions or comments please call Stephen Bargsten of our office at (707) 576-2653.

Sincerely,

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Catherine Kuhlman  
Executive Officer

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Web link: State Water Resources Control Board Order No. 2003-0017 -DWQ, General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification can be found at:  
**[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0017.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf)**

Original to: Mr. Jim Vattuone, P.O. Box 1274, Occidental, CA 95465

Copies sent to: Mr. Matthew Damos, 2655 Knolls Drive, Santa Rosa, CA 95405  
Ms. Kim Niemeyer, SWRCB, Office of the Chief Counsel  
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Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 1455 Market Street, San Francisco, CA 94105-1398  
Mr. Dan Wilson, California Department of Fish and Game, P.O. Box 47, Yountville, CA 94599  
Mr. Ryan Olah, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room W-2605, Sacramento, CA 95825-1846  
Mr. John McKeon, National Marine Fisheries Service, 777 Sonoma Avenue, Room 325, Santa Rosa, CA 95404

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